



Task Force on Court Facilities
455 Golden Gate Avenue, San Francisco, CA 94102-3660

Meeting Report

January 17, 2001
Double Tree Hotel
Sacramento, CA

<p>ATTENDEES:</p> <p>TASK FORCE MEMBERS:</p> <p>PRESENT: Hon. Daniel J. Kremer, Chair Mr. Greg Abel Mr. Wylie Aitken Hon. Joan B. Bechtel Ms. Yvonne Campos Sheriff Robert T. Doyle Hon. Jerry Eaves Hon. Gary Freeman Mr. David Janssen Mr. Fred Klass Hon. Michael Nail Hon. Wayne Peterson Mr. Anthony Tyrrell Hon. Diane Elan Wick</p> <p>ABSENT: Mr. John Clarke Mr. Mike Courtney Hon. Hector De La Torre Hon. Charles V. Smith</p> <p>TASK FORCE STAFF: Mr. Robert Lloyd, Project Director, Facilities Unit Mr. Robert Emerson, Project Manager, Senior Facilities Planner Ms. Patricia Bonderud, AIA, CSI Facilities Planner</p>	<p>PRESENTERS: Mr. Jay Smith, Daniel, Mann, Johnson, & Mendenhall Mr. Robert Lloyd, Administrative Office of the Courts</p> <p>CONSULTANTS: Ms. Tracy Barrow, AeCOM</p> <p>GUESTS: Mr. John H. Abbott, County of Orange Mr. Kevin Carruth, General Services, County of Santa Clara Mr. Bruce Doenges, Superior Court, County of Ventura Mr. Tim Fedorchak, County of Stanislaus Ms. Karen Finn, Department of Finance Mr. Pete Halstad, General Services, County of Mendocino Mr. Steve Hodges, General Services, County of Sacramento Mr. Dave Kronberg, General Services, County of Sonoma Mr. Rubin Lopez, California State Association of Counties Ms. Sally Lukenbill, Department of Finance Mr. Nick Marinovich, County of San Diego Mr. Jack Miller, County of San Diego Mr. Robert Sherman, Superior Court, County of Ventura Mr. John Siden, County of Yolo Ms. Tania Ugrin-Capobianco, Superior Court, County of Mendocino Ms. Alice Vilardi, Administrative Office of the Courts Mr. John Van Whervin, Superior Court, County of Los Angeles</p>
---	--

I. OPENING REMARKS – Justice Daniel Kremer

- A) Justice Kremer opened the task force meeting at 10:00 a.m. and reviewed the meeting agenda. He also informed task force members that he had received a joint letter from the Superior Court of Sonoma and the Sonoma County Board of Supervisors regarding time limitations on the Courthouse and Criminal Justice Construction Funds. Copies of the letter were distributed for review later in the meeting.
- B) The task force reviewed and unanimously approved the meeting report from the December 6 & 7 meeting in San Bernardino (Meeting # 15).

II. PHASE 4 PROGRESS REPORT – Mr. Jay Smith

- A) Mr. Smith presented a progress report on the Phase 4 evaluation work noting the following:
 - 1) The county evaluation plans have been completed and delivered to all counties. The final one, for Alameda County, was presented to the county and court the week before last. In addition, a revised report was presented to the county and court in San Mateo on January 4 and Mr. Smith reported that the report had been well received.
 - 2) Comments on the reports have been received from 52 counties. This includes comments from 40 court executives and from 41 county administrators.
 - 3) To date, the reports for seven counties have been revised and reissued. The consultants are in the process of revising the remaining county reports and responding to the comments received.
 - 4) Progress on survey and evaluation of the appellate courts was presented as follows:
 - a) The data gathered during the surveys is being entered into the database.
 - b) Planning options for the appellate courts will be completed over the next two weeks and will be presented at the next task force meeting. The appellate courts will be treated in a single report similar to a county report.
- B) Mr. Abel noted that the response from Sonoma County was a joint response of the county administration and the courts.

III. REVIEW OF PHASE 4 DRAFT REPORT – Mr. Jay Smith

- A) Mr. Smith reviewed the Phase 4 draft report which had been sent to the task force members prior to the meeting. Mr. Smith noted that the numbers in the text had not yet been conformed to the numbers in the tables. This conformance will be performed after the database has been corrected to reflect all the comments received on the individual county reports.
- B) The task force members, staff, and consultants made the following comments regarding the Phase 4 draft report:
 - 1) Mr. Abel asked whether the county reports, mentioned on page 1-2, would be included as appendices. Mr. Smith said that the county reports are reference documents, not appendices. Mr. Abel asked that the report include a note as to the availability of the county reports.
 - 2) Judge Nail asked whether the county reports would be made available on CD.

Mr. Lloyd replied that the plan is to have the Phase 4 and Phase 5 reports available on CD, but not the county reports. Justice Kremer stated that in view of the Judicial Council's access to the county reports via the set of county reports at the AOC, the Governor and each branch of the legislature should be provided with a set of the county reports.

3) Judge Nail suggested that in the next to the last paragraph on page 1-4, "Any building or space" be changed to "Any building or component".

4) Mr. Abel suggested that in the definition of marginal on page 1-5, "deficiencies" be replaced with "shortcomings".

5) Mr. Abel recommended that the discussion on page 1-6 be revised to more clearly indicate that the Facilities Guidelines were used as benchmarks not as absolute standards.

6) Regarding the last paragraph on page 1-6, Mr. Abel suggested deleting the sentence "Concurrently, color-coded building utilization plans were prepared to illustrate the distribution of components in the facility at the time of the survey".

7) Mr. Abel suggested that the discussion of Physical Rating Threshold on page 1-7 should include an example to illustrate the relationship between ratings and replacement costs.

8) Justice Kremer asked that in the discussion of Potential Seismic Improvement Cost on pages 1-7 and 1-8 the following be added: "As will be seen in Section 5, these potential seismic improvements generate significant costs."

9) Mr. Abel noted that the evaluation summary provided on page 1-8 is very helpful, although it should be reformatted as a chart or table.

10) Mr. Abel suggested that the discussion of the application of the Facilities Guidelines to the calculation of shortfalls on page 1-9 be expanded to include more of the reasoning behind the decisions taken; specifically that strict application of the guidelines would have been too conservative and would have generated unrealistically high shortfalls.

11) Mr. Abel requested that, under Planning Option Development on page 1-9, the discussion of the buy out of space be more fully explained as this is of great interest to the counties.

12) Mr. Janssen asked what is the total cost of the buy out of space statewide. Mr. Smith noted that the cost is given in Table 5.1, Probable Capital Costs: Current Needs.

13) Justice Kremer noted that on page 2-2 and throughout the report the measurement of space, whether stated as component gross square feet (CGSF) or usable area, should be consistent with that used in the Phase 5 report. Mr. Lloyd stated that they will be consistent.

14) Mr. Janssen noted that on page 2-4 the statement "the amount of building support occupancy statewide equals 52% of the courts occupancy" is confusing. Mr. Smith said that the sentence will be revised to more directly indicate the building support occupancy.

15) Mr. Klass inquired as to the difference between the 4th and 5th column of Table 2.1a, Facility Occupancy. Mr. Smith noted that they were repetitious and that the 4th column would be deleted.

16) Mr. Abel noted inconsistency in the percentages given for leased space in Table 2.2, Facility Ownership, and the accompanying text and noted that care should be taken that the numerical values are consistent within the reports and across the reports of the various phases.

17) Mr. Abel suggested that on page 2-18, where the average size of all courtrooms is given, a comparison to the courtroom sizes in the Facilities Guidelines be added.

18) Mr. Abel noted that on page 2-22 the statement that the statewide average useable area per courtroom implies a shortfall in court administration and other support spaces is not substantiated by the data, but rather implies a general shortfall in useable area.

19) Mr. Klass asked, regarding Table 3.3, Building Functional Condition, and Table 3.4, Building Functional Condition Key Issues, whether building functional ratings were influenced by internal component ratings. Mr. Smith replied that they were not, but are separate ratings.

20) Mr. Abel asked that the sum of number of courtrooms rated adequate, marginal, and deficient or listed as Level 1 in Table 3-6, Courtroom Evaluation – Current Use, be checked since the sum does not equal the total number of courtrooms.

21) Justice Kremer noted that the data provided in Table 4-1, Retention/Phase-Out of Facilities, and the associated text do not match and should be conformed.

22) Regarding the table on page 4-16, Summary of Court Facility Requirements, Mr. Janssen inquired as to what was driving the new construction portion of current need. Mr. Smith replied that it is a combination of building functional condition (summarized in Table 3.3) and existing component area shortfall (summarized in Table 3.12).

23) Mr. Abel suggested that the introductory discussion for Section 5 on page 5-1 more clearly explain that generally more than one option to meet facility needs was developed for each county and that the range of estimated capital budget requirements is based on adding up the lowest-cost options to get the lower estimate and adding up the highest-cost options to get the higher estimate.

24) Regarding the discussion of the cost of parking, site development, and land on page 5-1, Judge Peterson stated that he was unaware of any recently-completed urban courthouses, other than in San Francisco, that did not have parking provided as part of the project and suggested that the narrative be revised.

25) Mr. Abel suggested that in the first full paragraph on page 5-3 the statement of benefits that may be accrue from the reduced reuse option is too broad and should be revised. He specifically suggested removing “resulting from the prior practice of providing municipal courts in each population center.” Judge Peterson suggested removing “Perhaps more important” from the beginning of the paragraph. Mr. Klass suggested that “a higher level of service to the public” and the last sentence be struck.

26) Mr. Emerson suggested that throughout Section 5 the phrase “probable capital budget requirements” be replaced with “estimated capital budget requirements” and that the budget estimates for the 0% and 100% parking options be footnoted in the report.

27) Mr. Klass noted that in general the report did not have a clear statement of the level of urgency of the identified needs. He commented that the report gives the impression that the courts are currently functioning yet there is an estimate of \$2.7 billion to meet current need. He asked whether this need is dire or should be characterized as a low priority. He stated that some sense of the urgency of the need should be included.

Justice Kremer commented that, in his view, the Phase 4 report is not an advocacy statement, but rather a reporting of the state of facilities as evaluated against the Facilities Guidelines, with some discounting of requirements.

28) Mr. Klass asked how the statement on page 4-1 that “the planners did not attempt to assess a facility’s suitability as a continued court resource in the short term” related to the definition of current need. Mr. Smith responded that current need was based on providing the facilities that are needed for current staff and are also suitable for long-term use. Judge Peterson suggested that the definition of current need be tied to the language of the legislative charge. Mr. Abel noted that the 2nd Interim Report will have a section that specifically ties the task force work, which was done in phases, to the legislative charge.

[Refer to the last comment under the review of the Phase 5 report for a note on further action required to finalize the Phase 4 report.]

IV. PUBLIC COMMENT PERIOD

A) Mr. Steve Hodges of the Department of General Services, County of Sacramento, asked whether the potential space savings identified by the Space Mitigation Working Group were reflected in the Phase 4 report. Justice Kremer replied that they were not and would be reported separately.

V. REVIEW OF THE PHASE 5 DRAFT REPORT – Mr. Robert Lloyd

A) Prior to the discussion of the Phase 5 report draft, Mr. Abel spoke to an issue related to the Phase 5 work. He distributed a letter from Mr. Tim Smith, Chairman, Sonoma County Board of Supervisors and Judge Mark Tansil, Presiding Judge, Superior Court of Sonoma County regarding the statutory time limitations on the Courthouse and Criminal Justice Construction Funds. The letter (1) noted that the statutes governing the two funds include a time limitation on the collection of the funds and (2) recommended to the task force that the time limitations on the existence of the two funds be removed as part of any proposed legislation. Suggested modifications to Sections 76100 (d) and 76102 (c) were included as an attachment to the letter. Mr. Abel moved that the task force approve a policy to review amending the two sections to remove the time limitations from the funds. The motion passed unanimously.

B) Mr. Lloyd reviewed the Phase 5 report draft that was included in the task force binder. In introductory remarks to Mr. Lloyd’s review, Mr. Janssen asked task force members to focus on the format and completeness of the report, whether the report addresses all issues that it should address, and the general conclusions.

C) Task force members had the following comments regarding the report:

1) Mr. Abel asked whether the report would be reviewed by the Finance and Implementation Committee. Mr. Janssen replied that the report will have one review by the committee after today’s review by the task force.

2) Mr. Abel suggested that on page 4 the names of the Finance and Implementation Committee members and the listing of consultants be deleted. Mr. Lloyd indicated that all of the report overview section that follows the Section IV descriptive paragraph will be deleted.

3) Justice Kremer recommended changing the subsection heading on page 5 from “From county to state institution” to “From county to state responsibility”.

- 4) Mr. Janssen suggested dropping “the incentive or” from the fifth paragraph on page 5 and further suggested removing judgmental comments from throughout the report.
- 5) Mr. Klass suggested that the first bullet on page 7 be edited such that the points are more clearly stated and the reference to financial capacity is deleted.
- 6) Mr. Janssen recommended that the first sentence of the second bullet on page 7 be deleted.
- 7) Judge Peterson suggested that in the third bullet on page 7, “drive the need for all court facilities” be replaced with “drive the need for new court facilities”.
- 8) Mr. Klass suggested that the fifth bullet on page 7, referring to state resources, be deleted.
- 9) Mr. Janssen stated that the first sentence of the last bullet on page 7 was unclear. Mr. Lloyd replied that it was not needed, considering the sentence that follows, and suggested deleting the first sentence.
- 10) Justice Kremer suggested removing the judgmental language from the beginning of the discussion of current facility need on page 11. Mr. Klass further suggested that the first five paragraphs be re-written in a more neutral tone. Mr. Lloyd concurred noting that it was important to describe the conditions that drive the current facility need. Justice Kremer suggested that some rewording is necessary and that a discussion needs to be added to relate the stated current facility need back to the findings of Phase 4.
- 11) Mr. Abel noted that the next to the last sentence on page 11, relating to the timeframe of meeting the identified current need, should be a recommendation of the task force; specifically that current need is met over ten years and future need is met over 20 years, starting in the fifth year. Mr. Klass noted his view that these timeframes are illustrative and not a recommendation. Justice Kremer noted the sense of the task force members that the timeframes form a reasonable modeling assumption for presenting the estimated annual capital budget implications over time.
- 12) Mr. Klass recommended removing “with 50% parking” from Table 3C, Current Need – Capital and Facilities Support Cost Funding Requirement, on page 12.
- 13) Mr. Klass suggested that the discussion of future facility need on page 12 be expanded to include some of the qualifications related to the growth projections that were discussed earlier in the report.
- 14) Mr. Abel questioned whether the current need considered under the discussion of total annual investment on page 13 should use the maximum reuse option rather than the reduced reuse use or the range of the two options. Mr. Klass stated his view that it is more realistic to use the lower range.
- 15) Justice Kremer noted that the consensus of the task force members is to use the low range in the body of the report with a footnote referring to the higher range contained in the appendix.
- 16) Judge Peterson suggested adding, on page 15, “et seq.” after “Section 76000” and noting the impact of the recommendation approved earlier in the meeting by the task force regarding the time limits on the Courthouse Construction Fund and the Criminal Justice Facilities Construction Fund.

17) Mr. Abel noted that, in the first paragraph on page 16, the growth of fees should be described as being driven by growth in caseload rather than by growth in the number of judges.

18) Mr. Klass noted that the assumed interest rate of 6.5% used in the analysis reported on page 18 may be too high.

19) Mr. Klass suggested that the Courthouse Construction Funds deposited by the counties with the state, as discussed in the second bullet on page 19, be maintained in a separate account and should be subject to the budget and legislative process.

20) Mr. Janssen expressed his view that the last sentence on page 21, "This would largely achieve the goal of a stable and reliable funding source," is very important. Justice Kremer concurred and suggested that it be emphasized in the report.

21) Mr. Janssen recommended that Section IV, Transition, be rearranged such that the discussion of short-term recommendations precede that of long-term recommendations.

22) Mr. Abel suggested that the discussion of required facility staff on page 22 be expanded to include facilities staff that will be needed by local courts.

23) Mr. Abel suggested adding in a reference in the first sentence on page 23 to include the local courts in the provision of advice and counsel to the Judicial Council regarding the development of trial court facility management capability.

24) Mr. Janssen noted what, in his view, is an open question in the second bullet in the subsection discussing capital outlay on page 24; that is, whether the Public Works Board (PBW) or a separate body should review court facility projects. Mr. Klass stated his view that the review should be done by the PBW and that the PBW should be added to Table 4A, Recommended Long-term Responsibilities for Statewide Court Facilities System. Supervisor Eaves noted that the last bullet on page 24 would need to be changed for consistency with PBW review.

25) Mr. Janssen noted his view that the first bullet on page 25 should be revised to indicate that the funds transferred from the counties through Maintenance of Effort agreements should go into a single account for allocation and that the funds collected from an individual county should not necessarily be allocated back to the county in which the funds were collected.

26) Mr. Abel suggested that the role of local court personnel be included in the discussion of short-term organizational recommendations, beginning on page 25.

27) Mr. Janssen recommended that the transfer of the uncommitted balance in a county fund, discussed in the last line on page 27, shall occur in accordance with the Memorandum of Understanding rather than within 180 days.

28) Mr. Janssen noted that a building construction cut-off date for seismic evaluations discussed on page 28 still needs to be determined.

29) Justice Kremer noted the sense of the task force regarding the Phase 4 and Phase 5 reports. The Phase 4 report is referred to the Writing Working Group for review and then should come before the task force for final approval. The Phase 5 report is to be reviewed by the Finance and Implementation Committee and then should come before the task force for final review.

VI. CLOSING REMARKS – Justice Daniel Kremer

A) Justice Kremer adjourned the meeting at 4:15 p.m.